

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JESSE E. LIDDELL,

Plaintiff,

v.

CAPTAIN YOUNGER and SANDAHL,

Defendants.

OPINION and ORDER

23-cv-529-jdp

Plaintiff Jesse Liddell, proceeding without counsel, is a former state of Wisconsin prisoner who alleges that he was subjected to an extremely cold cell at Oakhill Correctional Institution. I granted Liddell leave to proceed on Eighth Amendment claims. Dkt. 6.

Defendants move to dismiss the case with prejudice for Liddell's failure to prosecute it. Dkt. 15. I previously granted defendants' motion to extend the dispositive motions deadline because Liddell had not authorized release of his medical records. Dkt. 14. I gave Liddell a deadline to respond to that order, but he did not respond, prompting defendants' motion to dismiss. After the court set a deadline for Liddell to respond to defendants' motion to dismiss, Liddell did not file a response.

Dismissal with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute is appropriate only in extreme circumstances. *See Palmer v. City of Decatur*, 814 F.2d 426, 428 (7th Cir. 1987). But I conclude that dismissal with prejudice is appropriate here. Liddell has not filed anything with the court in several months after notifying the court of his release, his failure to participate in discovery has prevented defendants from preparing their defense, and he has not opposed the motion to dismiss. I will grant defendants' motion and dismiss the case with prejudice.

ORDER

IT IS ORDERED that this case is DISMISSED with prejudice for plaintiff's failure to prosecute it. The clerk of court is directed to enter judgment accordingly and close the case.

Entered January 13, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge